United Nations CEDAW/C/TZA/CO/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of the United Republic of Tanzania*

1. The Committee considered the combined seventh and eighth periodic reports of the United Republic of Tanzania (CEDAW/C/TZA/7-8) at its 1391st and 1392nd meetings, on 26 February 2016 (see CEDAW/C/SR.1391 and 1392). The Committee's list of issues and questions is contained in CEDAW/C/TZA/Q/7-8 and the responses of the United Republic of Tanzania are contained in CEDAW/C/TZA/Q/7-8/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Permanent Representative of the United Republic of Tanzania to the United Nations Office and other international organizations in Geneva, Modest J. Mero, and also included representatives of the Ministry of Health, Community Development, Gender, Elderly and Children (mainland) and the Ministry of Empowerment, Social Welfare, Youth, Women and Children (Zanzibar).

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's combined fourth, fifth and sixth periodic reports (CEDAW/C/TZA/6) in undertaking legislative reforms, in particular the adoption of the following:

* *Adopted by the Committee at its sixty-third session (15 February-4 March 2016).*

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(a) HIV/AIDS (Prevention and Management) Act (Zanzibar, 2013) and HIV and AIDS (Prevention and Control) Act (mainland, 2008);

(b) Persons with Disabilities Act and its accompanying Persons with Disabilities (General) Regulations (mainland, 2012);

(c) Children's Act (Zanzibar, 2011) and Law of the Child Act (mainland, 2009);

(d) National Elections (Presidential and Parliamentary) Regulations (2010);

(e) Anti-Trafficking in Persons Act (mainland, 2008) and its implementing regulations Nos. 27 and 28 (2015).

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National Committee on Violence against Women, Children and People with Albinism;

(b) National Adolescent Reproductive Health Strategy (2011-2015);

(c) Education and Training Policy (2014) and National Strategy on Inclusive Education (2009-2017);

(d) National Gender-based Violence Committee (Zanzibar) and Roadmap on Violence against Children and Gender-based Violence (2014-2016);

(e) National Disability Mainstreaming Strategy (2010-2015) and Policy on Disability (Zanzibar, 2010);

6. The Committee welcomes the fact that, in 2009, the State party ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

C. Principal areas of concern and recommendations

National Assembly

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Definition of discrimination and legislative framework

8. The Committee notes that, under article 13 (5) of the Constitution of the United Republic of Tanzania of 1977, as amended, discrimination on the basis of gender is prohibited, and that article 12 (5) of the Constitution of Zanzibar of 1984, as amended, includes a reference to gender discrimination. Nevertheless, it reiterates its concern (see CEDAW/C/TZA/CO/6, para. 13) that the constitutional

definition of discrimination is still not in line with articles 1 and 2 of the Convention, which prohibit direct and indirect discrimination in the public and private spheres. It regrets that the scheduled national referendum on a new constitution, which provides for, among other things, the explicit prohibition of both direct and indirect discrimination against women in its articles 33 (2) and 54 (b), has been postponed indefinitely.

9. The Committee calls upon the State party to amend the Constitution and/or other relevant legislation to incorporate a definition and prohibition of direct and indirect discrimination on the basis of sex or gender in the public and private spheres, in line with articles 1 and 2 of the Convention. It recommends that the State party consider putting the proposed constitution to a national referendum as soon as possible.

10. The Committee notes that the State party has adopted some anti-discriminatory legislation in the context of the work of the Law Reform Commission. It notes with concern, however, that all other legislative reviews have been put on hold pending the finalization of the constitutional review process. It is particularly concerned:

(a) That the provisions of the Convention have not yet been fully incorporated into the national legal system and are therefore not directly applicable in the courts;

(b) That some statutory and customary laws, such as the Law of Marriage Act (1971), the Local Customary Law (Declaration) Order (1963), the Penal Code, the Tanzania Citizenship Act (1995) and inheritance laws, continue to contain discriminatory provisions that are incompatible with the Convention;

(c) That customary and religious law have not been fully harmonized with statutory law and aligned with the provisions of the Convention.

11. **The Committee recommends that the State party:**

(a) Ensure that the provisions of the Convention are duly incorporated into the national legal system and are directly applicable in the courts;

(b) Expedite its law review process, with a view to ensuring that all discriminatory legislation, in particular the Law of Marriage Act (1971), the Local Customary Law (Declaration) Order (1963), the Penal Code, the Tanzania Citizenship Act (1995) and inheritance laws, is repealed or amended so as to bring it into conformity with the Convention;

(c) Harmonize, without delay, customary and religious law with statutory law and ensure alignment with the provisions of the Convention.

Access to justice and legal aid

12. The Committee takes note of the measures taken by the State party to improve access to justice for women, including the establishment on the mainland of a legal aid secretariat under the Legal Sector Reform Programme to coordinate legal aid activities and the designation of paralegals in every constituency of Zanzibar to provide legal support to women without sufficient means. It is concerned, however, that women continue to face multiple barriers in obtaining access to justice, including the unavailability of courts, legal fees and a lack of legal literacy, especially in rural areas. It is particularly concerned that customary judicial

mechanisms, to which women most often resort, are not sensitive to gender and continue to apply discriminatory provisions. The Committee notes with concern the delay in adopting the legal aid bill on the mainland and a national legal aid policy in Zanzibar.

13. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that women have effective access to justice throughout the State party by establishing courts, including mobile courts, enhancing women's legal literacy, raising awareness of their rights, providing legal aid and ensuring that fees are reduced for women with low incomes and waived for women living in poverty;**

(b) **Enact legislation to regulate the relationship between formal and customary justice mechanisms and strengthen measures to ensure that customary judicial mechanisms comply with the Convention, including gender-sensitive training and capacity-building for customary justice authorities;**

(c) **Expedite the adoption of the legal aid bill on the mainland and a national legal aid policy in Zanzibar, and provide adequate human, technical and financial resources to ensure their effective implementation, with particular attention to remote areas;**

(d) **Monitor and assess the impact on women of efforts to improve access to justice, including gender-sensitive customary justice mechanisms.**

National machinery for the advancement of women and gender mainstreaming

14. The Committee notes the strengthened institutional capacity of the national machinery for the advancement of women through the establishment of gender mainstreaming macro working groups on the mainland and in Zanzibar. It also notes the increased budget allocated to the Ministry of Health, Community Development, Gender, Elderly and Children (on the mainland) and the Ministry of Empowerment, Social Welfare, Youth, Women and Children (in Zanzibar). The Committee is, however, concerned that those ministries continue to lack sufficient human, technical and financial resources to effectively coordinate gender mainstreaming in all areas and at all levels of government. It also notes with concern the delay in adopting a national gender policy for the mainland and a gender policy for Zanzibar. It is further concerned about the lack of monitoring and evaluation mechanisms to assess the impact of the work of the national machinery.

15. **The Committee calls upon the State party:**

(a) **To further strengthen its national machinery for the advancement of women by clearly defining the mandate and responsibilities of the various components, enhancing cooperation and coordination among them and with civil society and ensuring that the national machinery has the authority and human and financial resources necessary to work effectively for the promotion of women's rights;**

(b) **To ensure that a consistent and incremental share of the national budget is allocated to the national machinery;**

(c) To ensure that the national machinery is represented at the regional and local levels, in particular in remote areas;

(d) To ensure the expeditious adoption and effective implementation of a national gender policy for the mainland and a gender policy for Zanzibar.

Temporary special measures

16. The Committee welcomes the constitutional requirement that women comprise 40 per cent of the Zanzibar House of Representatives and 30 per cent of the National Assembly. It notes that the Village Land Act (1999) requires that three of the five or seven members of village land councils be women. It is nevertheless concerned that temporary special measures remain underutilized by the State party to accelerate the full and equal participation of women in areas such as education and employment.

17. **The Committee recommends that the State party increase the use of temporary special measures, including quotas, in all areas covered by the Convention in which women are underrepresented or disadvantaged. Such measures should include specific targets and time frames, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure the achievement of substantive equality of women and men. The State party should evaluate the impact of such measures and make the findings, including gender-relevant statistics, available to the Committee and the general public.**

Stereotypes and harmful practices

18. The Committee notes that the State party has taken various measures, including the adoption of legislation, to accelerate the elimination of harmful practices and gender stereotypes that discriminate against women. Nevertheless, it expresses deep concern about:

(a) The persistence of adverse cultural norms and practices and deep-rooted patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society;

(b) The high prevalence of harmful practices, including child and/or forced marriage, female genital mutilation (in some regions), polygamy, "widow cleansing", widow inheritance, initiation rites, ceremonies for girls that lead to abuse, the killing of older women accused of witchcraft, the practice of prescribing sex with girls or women with albinism as a cure for HIV, ritual killings and attacks on persons with albinism, including women and girls, the use of their body parts for purposes of witchcraft, and the stigma and social exclusion suffered by mothers of children with albinism.

19. **The Committee urges the State party:**

(a) To expeditiously adopt, in line with article 5 (b) of the Convention, a comprehensive strategy to eliminate discriminatory stereotypes relating to the roles and responsibilities of women and men in society and in the family, as well as harmful practices that discriminate against women, and create an enabling and supportive environment for women to exercise their human rights. The strategy should include comprehensive education and awareness-raising

programmes targeting women and men at all levels of society, with a particular focus on traditional leaders. The State party should also monitor and regularly assess the impact of its measures;

(b) To effectively implement, in the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the existing legal provisions prohibiting harmful practices, ensuring that all harmful practices, including those specified in paragraph 18 (b) above, are investigated, prosecuted and adequately punished and that victims of harmful practices have access to effective remedies and adequate protection mechanisms. The State party should also adopt new legal provisions, as necessary.

20. The Committee notes the National Plan of Action to Combat Female Genital Mutilation (2001-2015), the criminalization of female genital mutilation performed on girls under 18 years of age, the establishment of a national secretariat on the elimination of female genital mutilation and the intensification of related education, training and awareness-raising programmes and campaigns. It also notes recent initiatives to engage with traditional leaders and their communities to denounce female genital mutilation and support children to undergo alternative rites of passage. The Committee is, however, concerned about:

(a) The continued prevalence of female genital mutilation in some regions, especially in rural and traditional communities;

(b) The weak enforcement of the law prohibiting female genital mutilation;

(c) Reports that very young girls, including babies, and women giving birth are increasingly being subjected to female genital mutilation;

(d) The fact that it remains legal for women above 18 years of age to be subjected to female genital mutilation.

21. **The Committee urges the State party:**

(a) To implement existing legislation prohibiting the practice of female genital mutilation and adopt new legislation, as necessary, to entirely eliminate this harmful practice, including in the case of women above 18 years of age;

(b) To ensure that all cases of female genital mutilation are promptly investigated and prosecuted, that perpetrators and those complicit are adequately punished and that victims have access to social and medical services;

(c) To take urgent measures to eliminate the recent practice of newborn girls and women giving birth being subjected to female genital mutilation;

(d) To develop and adopt a new national plan of action for the elimination of female genital mutilation and strengthen awareness-raising and educational efforts, targeted at both women and men, in cooperation with civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications;

(e) To continue to engage with traditional leaders and their communities to denounce female genital mutilation and support children to undergo

alternative rites of passage, and devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.

Violence against women

22. Notwithstanding the steps taken to prevent and combat violence against women, such as the development and implementation of a national plan of action for the prevention and eradication of violence against women and children covering the period 2001-2015 on the mainland and in Zanzibar and the establishment of dedicated desks at major police stations throughout the State party to process cases involving children and women who are victims of abuse, the Committee expresses deep concern about:

(a) The high prevalence of violence against women, in particular sexual and domestic violence;

(b) The lack of a comprehensive law criminalizing all forms of violence against women and providing for victim support and assistance;

(c) The lack of specific provisions on domestic violence, including marital rape, in the Penal Code;

(d) The impunity for perpetrators of such violence and the reluctance of girls who are victims of sexual violence to report cases of abuse to the police because of the stigma surrounding it;

(e) The insufficient protection, support and rehabilitation services available to women and girls who are victims of violence.

23. **Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party:**

(a) **To expedite the adoption of a comprehensive law to prevent, combat and punish all forms of violence against women, as well as of a new national plan of action to combat violence against women, and ensure that adequate human, technical and financial resources are allocated for their systematic and effective implementation, monitoring and assessment;**

(b) **To specifically criminalize domestic violence, including marital rape, and ensure, in law and in practice, that evidentiary requirements in criminal cases relating to sexual offences do not result in impunity for perpetrators;**

(c) **To encourage women to report incidents of violence, including domestic violence, to law enforcement bodies by destigmatizing victims, provide capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of criminal law provisions on violence against women and raise awareness among the general public of the criminal nature of such acts;**

(d) **To ensure that all cases of violence against women are thoroughly and effectively investigated, including by increasing the use of modern forensic methods and technology, and that perpetrators are prosecuted and adequately punished;**

(e) **To strengthen services for women who are victims of violence, including by establishing shelters throughout the territory of the State party**

and ensuring the availability of psychosocial rehabilitation and reintegration programmes.

Trafficking and exploitation of prostitution

24. The Committee welcomes the adoption of regulations for the implementation of the Anti-Trafficking in Persons Act (2008) and the National Anti-Trafficking in Persons Action Plan (2013-2017), in addition to the establishment of a national advisory committee. It is, however, concerned at:

(a) The persistence of trafficking in and sexual exploitation of women and girls in the country, and reports of trafficking in girls for domestic work and sexual exploitation;

(b) The insufficient resources allocated for the implementation of the National Anti-Trafficking in Persons Action Plan (2013-2017), in particular for supporting victims of exploitation and trafficking;

(c) The lack of awareness of the law and the limited protection and assistance available to victims;

(d) The various forms of discrimination and criminal sanctions faced by women in prostitution and the insufficient exit programmes for women wishing to leave prostitution.

25. **The Committee recommends that the State party:**

(a) **Effectively implement the Anti-Trafficking in Persons Act (2008) and the National Anti-Trafficking in Persons Action Plan (2013-2017), including through the allocation of sufficient human and financial resources;**

(b) **Expand efforts to provide specialized capacity-building on combating trafficking in children to the judiciary, prosecutors, police officers, in particular those working at gender and children's desks, other law enforcement officials, social workers and other relevant professionals, ensure that such capacity-building is available throughout the State party and strengthen awareness-raising programmes on trafficking, especially in rural, border and poverty-stricken areas;**

(c) **Establish appropriate mechanisms aimed at early identification, referral and support for victims of trafficking, including through the provision of access to shelters and adequate legal, medical and psychosocial assistance;**

(d) **Step up efforts aimed at bilateral, regional and international cooperation, including exchange of information, to prevent trafficking and facilitate the prosecution of traffickers;**

(e) **Study and address the root causes of trafficking in women and girls and of exploitation of prostitution;**

(f) **Ensure that traffickers and other actors involved in the exploitation of prostitution are prosecuted and adequately punished;**

(g) **Repeal discriminatory provisions of the Penal Code and eliminate discriminatory practices faced by women in prostitution, including when accessing health-care services;**

(h) Institute measures to discourage the demand for prostitution and develop exit programmes for women wishing to leave prostitution, including alternative income-generating opportunities;

(i) Ensure the systematic monitoring and evaluation of the impact of all measures taken.

Participation in political and public life

26. The Committee welcomes the successful implementation of temporary special measures (through reserved seats) at the parliamentary level, which resulted in a significant increase in the representation of women in the National Assembly (36.6 per cent) following the recent elections. It also notes with appreciation the high representation of women in the Government (32.3 per cent). It is, however, concerned about the low representation of women in decision-making positions at the local level and in management positions on supervisory boards of companies.

27. **The Committee calls upon the State party to strengthen its efforts to increase the representation of women in political and public life. In particular, it recommends that the State party:**

(a) Expedite the adoption of measures, including temporary special measures, such as quotas, to increase the representation of women in decision-making positions at the local level and in management positions on supervisory boards of companies;

(b) Introduce gender quotas of at least 40 per cent in all elected and appointed decision-making bodies at both the national and local levels and adopt other temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, such as a gender parity system for appointments and accelerated recruitment of women to senior administrative positions;

(c) Intensify awareness-raising campaigns for politicians, journalists, teachers and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention;

(d) Continue to provide training for women on leadership skills, campaigning and constituency-building to prepare them as candidates and for positions in the public administration.

Nationality

28. The Committee is concerned about discriminatory provisions in the Tanzania Citizenship Act (1995) with regard to the ability of Tanzanian women to confer their nationality on their foreign spouses.

29. **The Committee urges the State party to expeditiously revise the Tanzania Citizenship Act (1995) to ensure that women and men enjoy equal rights to acquire, change, transfer and retain nationality. The State party should also accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

30. The Committee welcomes the gender parity that exists at the primary level of education. It also welcomes the adoption, in 2014, by the Ministry of Education and Vocational Training on the mainland of a new education and training policy that provides for equal access and opportunities to education and training for boys and girls. The Committee is, however, concerned at:

(a) The persistence of structural and other barriers to girls' access to high-quality education, in particular at the secondary and tertiary levels, owing to, among other things, inadequate budget allocations to the sector, which result in a lack of school infrastructure, including adequate sanitary facilities, teacher shortages and a poor learning environment and teaching materials, especially in rural areas;

(b) The lack of explicit provisions in the education legislation covering the mainland to prohibit the expulsion of pregnant girls from school, and the continued prevalence of the practice of mandatory pregnancy testing of girls as a precondition for admission to school and their expulsion if found to be pregnant;

(c) The emphasis on the provision of comprehensive sexuality and reproductive health education at the primary level only, and its integration and presentation through civics, biology and science;

(d) The reports of sexual violence and abuse perpetrated by teachers, and the lack of disciplinary or criminal investigations and prosecutions of teachers for misconduct.

31. **The Committee recommends that the State party:**

(a) **Increase the budget allocated to education for the construction of additional schools, especially in rural areas, and strengthen its efforts to improve the quality of education, including by ensuring that expansion of enrolment is matched with the supply of essential teaching and learning facilities, including the provision of adequate sanitary facilities, and by increasing the number of qualified teachers, with particular attention to qualified female teachers;**

(b) **Introduce, without delay, an age-appropriate curriculum at both the primary and secondary levels on sexual and reproductive health and rights and responsible sexual behaviour and ensure that it is offered as an intact subject by teachers adequately trained to deliver it;**

(c) **Ensure the speedy completion and adoption of the re-entry guidelines on how to enable pregnant schoolgirls to continue with their studies, so as to ensure that girls who become pregnant while in school and adolescent mothers can continue their education in the mainstream system, including by addressing the stigmatization faced by young mothers upon return to school, and put an end to the practice of conducting mandatory pregnancy tests of girls at the beginning of the school year as a precondition for admission and expelling any girls found to be pregnant;**

(d) **Implement a zero-tolerance policy with regard to all forms of violence against children, especially girls, in schools, including sexual abuse, bullying and harassment.**

Employment

32. The Committee remains concerned at persistent discrimination against women in the labour market, in particular:

(a) The high rate of unemployed young women and their marginalization from formal labour markets;

(b) The continuing horizontal and vertical occupational segregation and the concentration of women in low-paid jobs;

(c) The lack of implementation of the principle of equal pay for work of equal value and the persistent gender wage gap;

(d) The lack of information on labour inspections of women's working conditions, in particular in the private and informal sectors.

33. **The Committee recommends that the State party:**

(a) **Adopt effective measures, including pre-labour market interventions, direct employment creation initiatives, as well as training for young women to enhance their entry into the labour market;**

(b) **Adopt effective measures, including skills training, incentives for and encouragement of women to work in non-traditional fields and temporary special measures, to achieve de facto equal opportunities for women and men in the labour market and eliminate occupational segregation, both horizontal and vertical, in the public and private sectors;**

(c) **Adopt measures to effectively implement the principle of equal pay for work of equal value and to narrow and close the gender wage gap, including by applying gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

(d) **Establish and provide adequate human and financial resources for labour inspectorates to enable them to monitor and sanction discriminatory employment practices against women, especially in the private and informal sectors;**

(e) **Systematically monitor and evaluate the implementation of these measures;**

(f) **Consider seeking technical assistance from the International Labour Organization in this regard.**

Health

34. While noting the policy and administrative measures to ensure the reduction of infant, children and maternal mortality, in addition to the adoption of a national adolescent reproductive health strategy covering the period 2011-2015, the Committee remains concerned at:

(a) The limited progress in reducing the maternal mortality ratio in the State party, which in 2010 stood at 454 per 100,000 live births on the mainland and 287 per 100,000 live births in Zanzibar;

(b) The criminalization of abortion, except when the life or the physical or mental health of the pregnant woman or girl is at risk, the impact that such

criminalization has on the maternal mortality ratio and the fact that it compels women, in particular young women living in poverty, to resort to unsafe abortion, in addition to the requirement to have two physicians certify that the abortion is necessary to preserve the life of the pregnant woman or girl;

(c) The high number of teenage pregnancies, often resulting from rape and sexual abuse;

(d) The limited access to modern contraceptives, especially in rural areas;

(e) The low budget allocated to the health sector.

35. **The Committee recommends that the State party:**

(a) Reduce maternal mortality by ensuring the provision of adequate sexual and reproductive health services, in particular access to antenatal, delivery and postnatal services, including in rural areas;

(b) In this regard, consider the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr.1 and 2);

(c) Amend legal provisions regulating abortion to decriminalize it, ensuring its legal and practical availability, at least in cases in which the life and/or health of the pregnant woman or girl is at risk, and in cases of rape, incest and serious impairment of the fetus, and repeal the requirement to have two physicians certify that the abortion is necessary to preserve the life of the pregnant woman or girl;

(d) Address the high number of teenage pregnancies by ensuring access to safe abortion services;

(e) Ensure the availability and accessibility of modern forms of contraception and reproductive services to all women and adolescent girls in the State party;

(f) Increase the funding allocated to the health sector to at least 15 per cent of the budget, in line with Government's commitment in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases.

HIV/AIDS

36. The Committee notes the prevention, testing and treatment efforts undertaken by the State party, the efforts in Zanzibar to impart skills relating to reproductive health and HIV to young persons and to offer youth-friendly services, and the national guidelines for HIV testing and counselling adopted in 2013. The Committee remains concerned, however, at:

(a) The high prevalence of HIV/AIDS among women and girls in the State party;

(b) The high rate of mother-to-child transmission and the high number of new HIV infections among girls and boys, in particular in the context of sexual violence and unprotected teenage sexual relations;

(c) The criminalization of the transmission of HIV and the forced disclosure of HIV status to sexual partners under the HIV and AIDS (Prevention and Control) Act (2008).

37. **The Committee urges the State party to strengthen its efforts to combat the spread and effects of HIV/AIDS, including by developing a road map to ensure the implementation of effective preventive measures. It calls upon the State party:**

(a) To strengthen efforts to prevent mother-to-child transmission of HIV, including by providing free anti-retroviral treatment to pregnant women living with HIV/AIDS;

(b) To improve follow-up treatment for mothers living with HIV/AIDS and their infants, to ensure early diagnosis and the immediate initiation of treatment;

(c) To improve access to high-quality and age-appropriate sexual and reproductive health services and treatment for HIV/AIDS, including confidential services, especially for adolescent girls;

(d) To amend the provisions of the HIV and AIDS (Prevention and Control) Act (2008) that perpetuate discrimination against women living with HIV, including those that criminalize the transmission of HIV and force the disclosure of HIV status to sexual partners.

Economic empowerment of women

38. The Committee notes the measures taken by the State party to reduce poverty and ensure social protection, including a social cash transfer scheme and the adoption of a national social welfare policy. It is, nevertheless, concerned that those measures are not adapted to the specific needs of women and that women have limited access to financial assistance and credit. The Committee is also concerned at the limited support for women's entrepreneurial activities, which are mainly confined to the informal sector without access to the wider economic growth.

39. **The Committee recommends that the State party ensure that its poverty reduction and social protection policies produce sustainable results and mainstream gender equality and the empowerment of women. The State party should also develop specific measures to encourage and support women to increase the size of their entrepreneurial activities by providing capacity-building programmes and improving their access to credit, financial services and technical skills training.**

Rural women

40. The Committee notes the efforts of the State party to reduce rural poverty by carrying out development and microcredit projects and improving the delivery of basic social services to remote communities. The Committee is, however, concerned at the disadvantaged position of women in rural and remote areas, who form the majority of women in the State party. It is particularly concerned about:

(a) The high incidence of poverty and illiteracy, difficulties in gaining access to health, education, clean drinking water and sanitation services, land and income-

generating projects, and the lack of participation in decision-making processes at the community level;

(b) The lack of access to ownership of land, as reflected in the low percentage of women who own land, and the existence of provisions in the land laws that do not address the issue of discriminatory inheritance practices against women;

(c) Obstacles faced by some tribal women, including Masai women, in gaining access to productive, social and human assets, in particular in protecting their ancestral lands from being sold or leased, as well as in participating in and benefiting from rural development initiatives.

41. **The Committee calls upon the State party:**

(a) **To increase and strengthen the participation of rural women in designing and implementing local development plans by ensuring that they participate in decision-making processes and have improved access to health, education, clean drinking water and sanitation services, land and income-generating projects;**

(b) **To eliminate all forms of discrimination against rural women with regard to ownership of land, including by enacting legislation to eliminate discriminatory inheritance practices;**

(c) **To preserve tribal ancestral land, protect it from being sold or leased and award appropriate compensation to those whose access has been impeded;**

(d) **To guarantee rural women's equal access to land ownership and tenure, education, employment and health care, and facilitate their access to and control over land, water and other natural resources.**

Women with albinism

42. While noting the policy and institutional measures taken to investigate and prosecute cases of killings of persons with albinism, the Committee is concerned that the number of prosecutions and convictions remains low. The Committee is deeply concerned about the discrimination, stigmatization and social exclusion faced by persons with albinism, including women and girls, and the severe threats to and attacks on their physical integrity, such as ritual killings, abductions, mutilation and sexual abuse.

43. **The Committee urges the State party to reinforce its measures to protect women and girls with albinism from all forms of violence and address the discrimination, stigmatization and social exclusion faced by them. In particular, it calls upon the State party to effectively investigate, prosecute and punish those responsible for such crimes, expand its awareness-raising efforts to combat superstitious beliefs that are detrimental to the well-being of women and girls with albinism and ensure that those women and girls have access, without discrimination or fear, to education, employment, health care and other basic services.**

Older women

44. The Committee is deeply concerned at reports that older women are subjected to violence, including intimidation, isolation, abuse and killings, because they are suspected of practising witchcraft.

45. **The Committee urges the State party to amend its Witchcraft Act (1928) and the Traditional and Alternative Medicines Act (2002) to bring them into line with the Convention, strengthen measures to protect women accused of witchcraft from violence, raise awareness, in particular in rural areas, of the criminal nature of such attacks and adequately punish perpetrators.**

Refugee women

46. The Committee commends the State party on having naturalized more than 160,000 Burundian refugees and their descendants residing in the country since 1972 and on its efforts to continue to host refugees from neighbouring countries, in particular Burundi and the Democratic Republic of the Congo. It notes the efforts undertaken by the State party to operate programmes to combat sexual and gender-based violence in all refugee camps, provide legal aid to refugee women and girls in need and deliver food and non-food items. Nevertheless, it reiterates its concern (see CEDAW/C/TZA/CO/6, para. 47) about women's inadequate protection from all forms of violence in refugee communities and the apparent impunity of the perpetrators of such violence.

47. **In the light of the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party improve the protection response and follow-up in cases of violence, in particular sexual violence, concerning refugee women and girls. It also recommends that the State party continue to seek international assistance from the Office of the United Nations High Commissioner for Refugees.**

Equality in marriage and family relations

48. While noting the proposed amendment to the Law of Marriage Act (1971) to establish the legal minimum age of marriage for girls and boys at 18 years instead of 15 years for girls (and even 14 years under a court order) and 18 years for boys as it currently stands under section 13 of the Act, the Committee is concerned at the delay in passing the amendment. It is also concerned that discriminatory customary laws and practices persist with regard to marriage and family relations, including concerning inheritance by widows and daughters and property ownership.

49. **The Committee urges the State party to revise its legislation in order to ensure that the minimum age of marriage is established as 18 years for both girls and boys, regardless of the outcome of the constitutional review process, and to take all measures necessary to eliminate child marriage. The State party should also raise awareness among families, traditional and/or religious leaders and the general public of the negative consequences of child marriage and the importance of girls' education.**

50. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention, but is concerned that its views concerning communication No. 48/2013, adopted under article 7 (3) of the Optional Protocol at

its sixtieth session, in March 2015, regarding discriminatory customary inheritance laws in the State party, have not been implemented and that the State party has provided no information on action taken in the light of those views and recommendations, contrary to its obligation under article 7 (4) of the Protocol.

51. **The Committee urges the State party:**

(a) **To take immediate action to implement the Committee's views concerning communication No. 48/2013 regarding reparation and compensation for the authors of the communication and inform the Committee without delay of all measures taken and planned as a consequence of its recommendations;**

(b) **To take all measures necessary to repeal or amend discriminatory customary law provisions and harmonize competing legal systems governing succession or inheritance in the State party, provide training to judges (including cadis), prosecutors and lawyers, on the Convention, enhance women's knowledge of their rights under the Convention and prohibit excessive formalism and undue delays in courts.**

Data collection

52. The Committee welcomes the efforts made by the State party to introduce a central management information system in the context of the Tanzania Statistical Master Plan and to increase the availability of sex-disaggregated data. Nevertheless, the Committee remains concerned at the absence of a centralized data-collection system and at the deficiencies in compiling, analysing and processing reliable statistical data on the situation of women in all areas covered by the Convention.

53. **The Committee urges the State party to expeditiously improve its data-collection system, including by strengthening the capacity of relevant national institutions to collect, analyse and disseminate statistical data, which should cover all areas of the Convention and be disaggregated by age, sex, disability, geographical location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all women, especially those in situations of vulnerability, and should be used for the formulation, monitoring and evaluation of laws, policies and programmes.**

Amendment to article 20 (1) of the Convention

54. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

55. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

56. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

57. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

Technical assistance

58. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

59. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

60. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (c), 19 (b) and 51 above.

Preparation of the next report

61. The Committee invites the State party to submit its ninth periodic report in March 2020.

62. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.